

Application No. 10/749,838

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REMARKS

In response to the Office Action, the applicant amends independent claim 1 and cancels or amends the corresponding dependent claims. The features in original claims 3 and 4 have been incorporated into amended claim 1. Claim 5 is amended to depend on claim 1.

Several arguments exist to overcome the examiner's objections to the locking tab. Alesi et al. discloses a base (4), a housing (6) and a pivotable hinge (8). The base (4) has an internal circumferential groove (4g) and ears (16a, 16b). The internal circumferential groove (4g) can hold a needle flange. The housing (6) has grooves (18a, 18b) to correspond with the ears (16a, 16b). The pivotable hinge (8) pivotally connects the base (4) and the housing (6). The housing (6) can be pivoted on the base (4) so the grooves (18a, 18b) can retain the ears (16a, 16b). When the needle flange is fixed in the internal circumferential groove (4g), the housing (6) is pivoted to hold a hypodermic needle. However, the referenced application has an elongated body (12, 12'). The elongated body (12, 12') has an outside surface, a proximal opening (14, 14'), a closed distal end, a chamber (13, 13') and at least one locking tab (16, 16'). The at least one locking tab (16, 16') is resilient, is formed in the outside surface near the proximal opening (14, 14') and protrudes into the chamber (13, 13') toward the distal end. In the Alesi et al. patent, the hypodermic needle is fixed in the housing since **the housing (6) is pivoted on the base (4)** and the grooves (18a, 18b) fasten the ears (16a, 16b). In the referenced application, the hypodermic needle is **directly inserted into** the elongated body (12, 12'). Therefore, the locking tab of the referenced application has novelty and inventiveness.

Consequently, the applicant amends claim 1 to include all the limitations of original claims 3 and 4.

In the amendment, the present invention is now better defined to have distinct features over the prior art cited by the Examiner. Thus, based on the foregoing amendments and remarks, the subject

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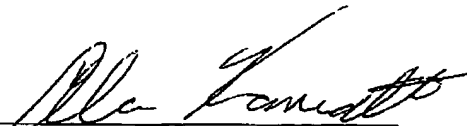
patent application is now believe to have been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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By



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